

TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Form DS1402



Project Name: ORCHARDS ELEMENTARY SCHOOL

Case Number: CUP2004-00006, PSR2004-00044, SEP2004-00121

Location: 7000 NE 117th Avenue (SR 503)

Request: The applicant is proposing a conditional use permit and site plan review approvals to construct a new 61,650 square foot elementary school building to replace the existing 38,000 square foot Orchards Elementary School building. The approximately 13.11 acre site is zoned R1-6 and R-18.

Applicant: Evergreen School District #114
Attn.: Reg Martinson
13501 NE 28th Street
Vancouver, WA 98682
(360) 604-4000, E-mail: rmartins@egreen.wednet.edu

Contact Person: The JD White Company
Attn.: Helen Devery
1111 Main Street, Suite 300
Vancouver, WA 98660
(360) 696-1338, E-mail: hdevery@jdwhite.com

Property Owner: Evergreen School District #114
P. O. Box 8910
Vancouver, WA 98682

RECOMMENDATION

Approve subject to conditions of approval

Team Leader's Initials: _____ **Date Issued:** September 29, 2004

Public Hearing Date: October 14, 2004

County Review Staff:

	<u>Name</u>	<u>Phone Ext.</u>	<u>E-mail Address</u>
Planner:	Michael Uduk	4385	Michael.Uduk@clark.wa.gov
Engineer (Trans. & Stormwater):	Paul Knox	4910	Paul.knox@clark.wa.gov
Engineer (Trans. Concurrency):	Shelley Oylear	4354	Shelley.Oylear@clark.wa.gov
Team Leader:	Krys Ochia	4834	Krys.Ochia@clark.wa.gov
Engineer Supervisor: (Trans. & Stormwater):	Richard Drinkwater, P.E.	4492	Richard.Drinkwater@clark.wa.gov
Engineering Supervisor: (Trans. Concurrency):	Steve Schulte P. E.	4017	Steve.Schulte@clark.wa.gov

Comp Plan Designation: Public Facility (PF)

Parcel Number(s): Tax Lots 1/2 (157491) and 3/2 (157494) in the NW ¼ of Section 10, Township 2 North, Range 2 East of the Willamette Meridian.

Applicable Laws:

Clark County Code Chapter 40.350 (Transportation), Section 40.350.020 (Transportation Concurrency), 40.380 (Storm Water Drainage and Erosion Control), 15.12 (Fire Code), Chapter 40.570 (SEPA), 40.220.010 (R1-6), 40.220.020 (R-18), 40.520.030 (Conditional Use Permit), 40.520.040 (Site Plan Review), 40.520.040 (E) (Site Plan Review Approval Standards), 40.320.010 (Landscaping and Screening Design), 40.340.010 (Parking and Loading Standards), 40.340.020 (Access and Circulation Standards), 40.360 (Solid Waste Storage), 40.370.020 (Water Supply), 40.370.010 (Sewer Connection)

Neighborhood Association/Contact:

No mapping, but a courtesy notice was sent to the following:
Neighborhood Advisory Committee of Clark County
Art Stubbs, Vice Chair
6804 NE 86th Court
Vancouver, WA 98662

Time Limits:

The application was submitted on July 22, 2004, and determined to be fully complete on August 9, 2004 (see Exhibit No.7). The applicant was asked to submit additional information thereby extending the deadline by 21 days (see Exhibit 7). Therefore, the County Code requirement for issuing a decision within 92 days lapses on November 9, 2004. The State requirement for issuing a decision within 120 calendar days, lapses on December 7, 2004.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application is submitted. If a pre-application conference is required, the application shall earlier contingently be vested on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on March 4, 2004. The pre-application was determined to be contingently vested as of February 6, 2004 (i.e., the date the fully complete pre-application was submitted).

The fully complete application was submitted on July 22, 2004 and determined to be fully complete on August 9, 2004. Given these facts the application was vested on February 6, 2004. There are no disputes regarding the vesting date of this application.

Public Notice:

Notice of application and public hearing was mailed to the applicant and property owners within 300 feet of the site on August 23, 2004 (see Exhibit 8). (Note: This site is not located within the boundaries of a recognized neighborhood association.) One sign was posted on the subject property and two within the vicinity on September 29, 2004. Notice of the SEPA determination and public hearing was published in "The Columbian" newspaper on September 29, 2004.

Public Comments:

The county received comments from Michael J. Walker, the General Manager of Greenway Terrace L.L.C., regarding the following issues:

1. Traffic: Mr. Walker is concerned that traffic from the school will adversely impact traffic at the cul-de-sac of NE 71st Street. Mr. Walker reasons that the extension of NE 69th Street through the school property, easterly to intersect NE 71st Street at the cul-de-sac, will increase traffic on NE 71st Street, especially since many vehicles from the commercial center to the north use NE 71st Street for ingress and egress. Additionally, Mr. Walker questions whether, as proposed, the half-width road improvement on NE 69th Street would be adequate to support traffic from the school as well as traffic from the public.
2. Noise: Mr. Walker also indicates that potentially, increased noise from the school could adversely impact the residents of Greenway Terrace Mobile Home Park. He believes that the new school facilities would make the school attractive for sports and other after school events and activities, which could result in increased noise in the area. He states that most of the residents at the mobile home park are elderly citizen, who have resided there for several years, and are by law, entitled to quiet and peace.

3. Real Estate Transaction: A third issue raised by Mr. Walker deals with real estate transaction, which staff does not have the authority to discuss in this report; therefore, staff has no additional response to this issue.

Response:

Traffic: The potential traffic impacts from this development are being addressed by the review provided by Transportation Concurrency Staff, and Engineering Services Staff. The half-width road section provided for the extension of NE 67th Street easterly is necessary to address a specific requirement of the Clark County Transportation Standards, CCC 40.350.030 (B) (2), regarding road circulation in the area.

Noise: The school already exists on this site; and there is no documented evidence in the record indicating that the use of the site for an elementary school is a source of intrusive noise in the area. Staff finds that the level of noise that currently exists on the school premises will likely remain the same when the new school project is completed. Conditions of Approval D-1 and D-2 have been provided to address late evening noise resulting from sporting events and light and glare.

Project Overview

The applicant is requesting a Conditional Use Permit (CUP) and Site Plan Review approvals to rebuild Orchards Elementary School. The applicant will demolish the existing school building (approximately 38,000 square feet) that was built in 1953 to accommodate 500 students, which by May 2004 had increased to 593 students. The replacement school is a 61,650 square foot building. The first floor of the two stories new school will house the administration and support staff, some classrooms, the gymnasium, commons and an attached play area. The second story will house additional classrooms, cooperative learning center, and media. Additionally, the applicant is proposing to add a 4,000 square foot modular Family Resource Center and has identified space for the potential location of two 4,000 square foot modular classroom buildings (when needed) and some storage facilities. The size of the school buildings (including the modular classrooms), when completed, will be approximately 69,650 square feet. The anticipated student population is 650 students in grades K-5, and the school will employ 63 teaching and auxiliary staff.

The applicant also proposes to provide 142 off-street parking spaces, 7 of which would be reserved for the physically handicapped persons. When completed, the project will result in more than 25 percent increase in the gross floor area of the school building and off-street parking spaces. The approximately 13.11 acre site is zoned R1-6 and R-18.

The predominant vegetation on the site comprises field grass on the playground. Except for a cyclone fence that surrounds the property, there are very few trees on the premises. The following table shows the comprehensive plan designation, zoning, and current land use on the site and on the abutting properties:

Table 1: Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	Public Facility (PF)	R1-6 and R-18	Flat undulating topography, Orchards Elementary School buildings, 9 modular classrooms/structures, offices, parking spaces, play ground and cyclone fence around the property.
North	Urban Low (UL) / Urban Medium (UM)	R1-6 / R-18	Mini storage facility, Mobile Home Park some trees and vegetation along the property boundary.
East	Community Commercial (C-3) / Light Industrial (ML)	C-3 / ML	NE 117 th Avenue (SR 503) vacant commercial and industrial lands.
South	UL / UM / ML	R1-6 / R-18 / ML	Single-family housing on the southeast corner, some commercial activities on industrial lands.
West	UL / UM	R1-6 / R-18	Developed with single-family housing – Rose Valley and York Town Subdivisions.

The USDA Soil Conservation Service, Soil Survey of Clark County, Washington, 1972, classifies the soils on the entire site as those of Sifton gravelly loam (SvA) on slopes ranging from zero to 5 percent. There are no jurisdictional wetlands, a 100-year flood plain or buffers mapped on the site by the County's GIS mapping system.

The property is located within the City of Vancouver urban growth area. It is situated in an area served by Park District 6, Fire Protection District 5, and the Evergreen School District. The City of Vancouver provides public water and sewer services in the area.¹

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|----------------------------------------|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

¹ The Developers' GIS print out indicates that Hazel Dell Sewer District also provides sewer service in the area with the City of Vancouver. See Fire Protection, Page 17.

Then staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE - Zoning:

Finding 1

The R1-6 district recognizes, maintains and protects established low-density residential areas. It establishes higher residential densities where a full range of community services and facilities are present or will be present when development occurs, and provides for additional related uses such as schools, parks and utility necessary to serve the immediate residential areas, [CCC 40.220.010 (A) (1)].

The R-18 district is intended to provide for exclusively multi-family residential development based upon consistency with the comprehensive plan and compatibility with surrounding land uses, [CCC 40.220.020 (A) (1)].

Both the R1-6 and R-18 districts permit public or private schools including preschools, (but not including business, dancing and technical schools) conditionally, upon the approval of a conditional use permit (CUP) and site plan review. Staff finds that the applicant has provided all the necessary documentation for the CUP and site plan review. This finding does not require a condition of approval.

Conditional Use Permit Review Standards

Finding 2

CCC 40.520.030 establishes the general guidelines for CUP review and approval. CCC 40.520.030 (E) (1) authorizes the hearings examiner to impose other conditions found necessary to protect the best interest of the surrounding property or neighborhood. The examiner could establish conditions that may include but are not limited to:

- a. Increasing the required lot size or setback dimensions;
- b. Increasing street widths;
- c. Controlling the location and number of vehicular access points to the property;
- d. Increasing the number of off-street parking or loading spaces required;
- e. Limiting the number of signs;
- f. Limiting the lot coverage or height of buildings because of obstructions to view and Reduction of light and air to adjacent property;

- g. Limiting or prohibiting openings in sides of buildings or structures or requiring screening and landscaping where necessary to reduce noise and glare and maintain the property in a character in keeping with the surrounding area; and,
- h. Establishing requirements under which any future enlargement or alteration of the use shall be reviewed by the county and new conditions imposed.

The hearings examiner, before approving the CUP for the middle school, must find that the establishment, maintenance or operation of the school will not, under the circumstances of the particular case, be significantly detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of the school or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the county. [See CCC 40.520.030 (E) (1) (2), Actions by the Hearings Examiner]

Finding 3

The school district intends to demolish the existing school building of approximately 38,000 square feet, and replace it with a new school building of approximately 61,650 square feet. The new school building is approximately 23,650 square feet (62.24 percent) larger than the existing school building. The new site plan identifies two locations for possible placement of modular classrooms of approximately 8,000 square feet if, and when needed. The applicant also proposes to place a 4,000 square foot modular structure that will serve as a Family Resource Center. When completed, the total floor area of the new school (including the proposed modular structures) will be 69,650 square feet.

Furthermore, the applicant is increasing the number of off-street parking spaces to 142 stalls. When considered together, staff finds that the proposed increase to the school building and the number of off-street parking stalls exceeds 25 percent minimum of the existing structures on the school premises; therefore, the applicant requires a new conditional use permit per CCC 40.520.040 (G) for the proposed new school building.

Staff finds that the applicant has submitted all the requirements for the CUP. In addition, the applicant has also submitted an application for a site plan review to be reviewed in conjunction with the CUP application. Staff finds further that the applicant has made adequate provisions to comply with the applicable sections of the code as discussed in findings and conclusions in this report. This finding does not require a condition of approval.

Site Plan Review Standards:

Landscaping and Screening

Finding 4

CCC 40.320.010 (Landscaping and screening on private property) requires perimeter landscaping and screening between adjoining properties and uses. The degree and height of the required screening is based on the zoning of the project site and the neighboring properties. In addition, CCC 40.520.030 (E) (g) stipulates that the Hearings Examiner may require screening and landscaping where necessary to reduce noise and glare and maintain the property in a character in keeping with the surrounding area.

Landscaping is required along the front and sides of all buildings. The minimum requirements are landscaping trees, of a suitable species [per 40.320.010 (B) (1) (a)]

(b)]. Staff finds that the irrigation plan L1.1 and L1.2 and landscape plan L2.0, which describe the proposed irrigation and landscaping along the front and sides of the school building when implemented as proposed, would comply with the applicable code sections. No condition of approval is necessary. (See the proposed the Irrigation Plan, Sheet L1.1 and Sheet L1.2; and the proposed Landscape Plan, Sheet L2.0 for details).

Finding 5

The following buffer landscaping scheme will apply with the appropriate setbacks, per Table 40.320.010-1, and the specific requirements of CCC 40.520.030 (E):

- a. On the north, the required landscaping schemes are L3 within a 10-foot buffer on eastern section bordering R-18 zone and L3 within a 10 foot buffer along the western section bordering R1-6 zone.
- b. On the east, the required landscaping scheme is L3 within a 10-foot buffer bordering R-18 zone.
- c. On the south, the required landscaping scheme is L3 within a 20-foot buffer on the section bordering ML zone and L3 within a 10 foot buffer on the section bordering R-7.5 zone.
- d. On the west, the required landscaping is L3 within a 10-foot buffer.² (See conditions of approval C-1)

Frontage Landscaping

Finding 6

The applicant shall provide appropriate landscaping along the site's frontage on NE 69th Street per CCC 40.320.020 (H) (G). (See condition of approval C-2)

Off Street Parking

Finding 7

The applicant indicates that the current school enrollment is 593 students. When the redevelopment project is completed, the new school will enroll 650 students plus 63 staff. The applicant is providing 142 off-street parking spaces. Table 40.340.010-4 (D) (4)] requires 1 space / 4 seats, or 8 feet of bench length in auditorium or assembly room, whichever is greater. The off-street parking needs of the staff are factored into the standard. The proposed elementary school does not propose an auditorium but incorporates a commons area with a capacity for 461 persons. Based upon the specific code requirements, staff finds that applicant has provided adequate off-street parking for the school because:

- 1 Elementary school students may not own or drive vehicles;
- 2 Many of them may be bused to and from school; and,
- 3 Some parents will drive their children to school in the morning or pick them up after school.

² Please refer to 40.320.010 (B) (1) (a) (b)] as well as Figure 40.320.010-3 for the appropriate landscaping standards. The applicant may substitute a superior landscape plan for that required by the applicable code sections, CCC 40.520.040 (E) (1) (d).

With these elementary school characteristic, staff still finds that the applicant has provided adequate off-street parking for the school needs. This standard is met, therefore; no condition of approval is necessary with this finding.

Finding 8

Per CCC 40.340.010 ((B) (5), at a minimum, thirty (30) percent of the parking spaces provided should be designed for compact vehicles consistent with the standards shown in Table 40.340.010-5. (See condition of approval A-1)

Handicapped Parking

Finding 9

The applicable laws require 5 handicapped parking spaces, but the applicant has designated 7 off-street parking spaces for the physically challenged [(per CCC 40.340.010 (B) (6), WAC 51-30-1103, Table No. 11-F). The proposed site plan also shows striped wheel chair access to the school building. This standard is satisfied; therefore, no condition of approval is necessary.

Loading and unloading berth

Finding 10

The proposed school building is 69,650 square feet. Therefore, per CCC 40.340.010 (D) (2), the applicant shall provide one (1) loading and off-loading berth, per Table 40.340.010-2. (See condition of approval A-2)

Solid Waste Disposal

Finding 11

The applicant has shown the solid waste disposal enclosure [per CCC 40.360.020 (B)]. This requirement is satisfied; therefore, no additional condition of approval is necessary.

Pedestrian and Bicycle Circulation

Finding 12

Though not mandatory per code, the applicant may consider providing bicycle racks with spaces for a minimum of ten (10) bicycles consistent with CCC 40.350.010 (D). (See condition of approval A-3)

Staff finds that the applicant has provided travel paths for pedestrians by providing side walks leading to the school building from NE 69th Street and by providing pedestrian crosswalks, where appropriate, on the parking lot. The site plan also shows a meandering continuous trail round the school premises and terminating at the covered outdoors play area. Staff finds that these features will provide an aesthetic ambiance and an opportunity for recreational activities to students and neighborhood residents alike.

Light and Glare

Finding 13

The applicant needs to ensure that proposed outdoors lights are shielded downward, and do not cast glare onto neighboring properties in the area. During evening sporting events, all activities should end by 9:30 p.m., and outdoor lights, except for security lighting, must be out by 10:00 p.m. (See condition of approval D-1)

Noise Impacts

Finding 14

Per CCC 40.520.030 (E) (1) (g) requires that findings be made limiting or prohibiting openings in sides of buildings or structures or requiring screening and landscaping where necessary to reduce *noise* and glare and maintain the property in a character in keeping with the surrounding area. The applicant shall ensure that noise, other than normal noise associated with operation of an elementary school, does not become a problem for the elderly citizens residing at Greenway Terrace Mobile Home Park. (See condition of approval D-2)

Modular Structures

Finding 15

The applicant has proposed two modular structures on these premises: one is 4,000 square foot modular that will serve as a Family Resource and the second, is a 4,000 square foot modular that will serve as a classroom. Both structures, totaling 8,000 square feet will be placed on the school premises, when needed. Prior to final site plan recording, the applicant may wish to identify additional potential modular spaces.

Special set back standards for schools

Finding 16

All proposed buildings including the placement of modular structures shall be setback, at a minimum, 30 feet from the side and rear lot line. There shall be no evidence of incidental commercial activities taking place within the building per CCC 40.260.070. (See condition of approval D-3)

SIGNS

Finding 1

Any new sign proposed to advertise this development must comply with the applicable sections of CCC 40.310. (See condition of approval C-3)

CRITICAL AREAS:

Finding 1

There are no known critical areas on this site according to Clark County's GIS Mapping System.

TRANSPORTATION CONCURRENCY:

The applicant's traffic study has estimated the total net new weekday AM peak hour trip generation at 53 new trips, mid-afternoon peak hour at 35 trips, and PM peak hour trip generation is estimated at 11 trips. The following paragraphs document two transportation issues for the proposed development.

Issue #1: Concurrency

The applicant submitted a traffic study for this proposal in accordance with CCC 40.350.020B and is required to meet the standards established in CCC 41.350.020G for corridors and intersections of regional significance. The County's TraffixTM model includes the intersections of regional significance in the area and the County's model was used to evaluate concurrency compliance.

Site Access

Finding 1:

Level of Service (LOS) standards is not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur at the site access to the arterial and collector network. The school proposes two accesses, onto the proposed NE 69th Street extension. These accesses are proposed to be full movement unrestricted accesses. Both accesses appear to maintain acceptable LOS.

Operating LOS on Corridors

Finding 2:

The proposed development was subject to concurrency modeling. The modeling results indicate that the operating levels comply with travel speed and delay standards. The applicant should reimburse the County for costs incurred in running the concurrency model. (See condition A-4)

Concurrency Compliance

The proposed development complies with the Concurrency Ordinance CCC 40.350.020.

Issue 2: Safety

Where applicable, a traffic study shall address the following safety issues:

- Traffic signal warrant analysis,
- Turn lane warrant analysis,
- accident analysis, and
- Any other issues associated with highway safety.

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030.6a. This section states that:

“Nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020 or a *significant* traffic or safety hazard *would be caused or materially aggravated* by the proposed development: provided that the developer may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020.”

Turn Lane Warrants

Finding 3:

Turn lane warrants are evaluated at un-signalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway. The applicant's traffic study analyzed the roadways in the local vicinity of the site to determine if turn lane warrants are met. Turn lane warrants were not met at any of the un-signalized County intersections analyzed in the applicant's traffic study; therefore, mitigation is not required.

Historical Accident Situation

Finding 4:

The applicant's traffic study analyzed the accident history at the regionally significant intersections; however, all of the historical accident rates at these intersections are below 1.0 accident per million entering vehicles. Therefore, mitigation by the applicant is not required.

Traffic Controls

Finding 5:

The traffic study included drawings of the current traffic and pedestrian controls in the vicinity of the school. The existing conditions should be verified when submitted as part of the signing and striping plan. The school district will need to coordinate with the County and submit plans to modify the signing, striping and other traffic control to accommodate the proposed development plan. The school signing will need to be modified for consistency with the language in WAC 468-95-330.

To comply with this requirement, the applicant shall submit a signing and striping plan and a work order, authorizing County Road Operations to perform the required work. The Department of Public Works must approve this work prior to final site plan approval. (See Condition A-5)

Finding 6

During site development activities, the public transportation system (roadways, sidewalks, bicycle lanes, etc.) may be temporarily impacted. In order to minimize these impacts and coordinate work occurring in the public right-of-way, the applicant will need to prepare and have approved a Traffic Control Plan. (See condition B-1)

TRANSPORTATION:

Reserved for Engineering Services Staff Report

STORMWATER:

Reserved for Engineering Services Staff Report

FIRE PROTECTION:

Fire Marshal Review

Fire Protection Finding 1

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Building Construction

Fire Protection Finding 2

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (see condition of approval A-6).

Fire Flow

Fire Protection Finding 3

Fire flow in the amount of 1,688 gallons per minute supplied at 20 pounds per square inch (psi) for 2 hours duration is required for this application. A utility review from the water purveyor indicates that the required fire flow is available at the site. Additions to water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval (see condition of approval A-7).

Fire Hydrants

Fire Protection Finding 4

Fire hydrants are required for this application. The applicant shall provide one additional fire hydrant to the existing hydrants on the premises. (See condition of approval C-5)

Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. Provide and maintain a six-foot clear space completely around every fire hydrant (see condition of approval C-5)

Fire Apparatus Access

Fire Protection Finding 5

Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus (see condition of approval A-8).

Fire Apparatus Turnarounds

Fire Protection Finding 6

Approved fire apparatus turnarounds are required for this project. The provisions for turning around fire apparatus comply with the Clark County Road Standard (see condition of approval A-9)

WATER & SEWER SERVICE:

Finding 1

The City of Vancouver provides public water and Hazel sewer services in the area. The utility reviews from the city confirm that these services are available to the site.

Finding 2

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been

abandoned, inspected and approved by the Health Department (if applicable). (See condition of approval E-2).

Other Health Concerns

Finding 2

The existing school building and storage facilities will be removed. All demolition wastes must be properly disposed consistent with county demolition permit requirements. The applicant shall provide proof of appropriate waste disposal in the form of receipts to the Health Department with requests for confirmation that the conditions for final site plan approval have been satisfied. (See condition of approval A-10)

Finding 3

If underground storage tanks exist on the property, they must be identified and decommissioned in place consistent with the Uniform Fire Code with permit from the Fire Marshal. Any leaks or contamination must be reported to Washington State Department of Ecology, and proof of removal or abandonment (of the tank) must be submitted to the Health Department prior to final site plan approval. (See condition of approval A-11)

IMPACT FEES:

Finding 1

The site is located in Park Impact Fee (PIF) District 6, Evergreen School District Impact Fee (SIF), and Orchards Traffic Impact Fee (TIF) district. Public schools are exempt from impact fees exaction; therefore, no impact fees will be imposed on this development.

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval and, therefore, requiring the preparation of an Environmental Impact Statement (EIS).
- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval), or;
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

Determination:

Determination of Non-Significance (DNS): Clark County, as lead agency for review of this proposal, has determined that this proposal does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not

required under RCW 43.21C.030 (2) (e). This decision was made after review of a completed environmental checklist and other information on file with the County.

Date of Publication & Comment Period:

Publication date of this DNS is September 29, 2004, and is issued under WAC 197-11-340. The lead agency will not act on this proposal until the close of the 14-day comment period, which ends on October 13, 2004.

Public Comment Deadline:

October 13, 2004

SEPA Appeal Process:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$186**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

Staff Contact Person: Michael Uduk, (360) 397-2375, ext. 4385
Krys Ochia, (360) 397-2375, ext. 4834

Responsible Official: Michael V. Butts

Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011
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RECOMMENDATION

Based upon the proposed plan (identified as Exhibit 5), and the findings and conclusions stated above, staff recommends the Hearings Examiner **APPROVE** this request, subject to the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

Conditions of Approval

A. Conditions that must be met prior to Final Site Plan approval; or if improvements are approved by the county for bonding or other secure method, such conditions shall be met prior to issuance of Occupancy Permits per CCC, Section 40.350.030(C)(4)(i) & (j).

Land Use

- A-1** Per CCC 40.340.010 ((B) (5), no more than thirty (30) percent of the off-street parking spaces provided shall be designed for compact vehicles per Table 40.340.010-5. (See Land Use Finding 8)
- A-2** Per CCC 40.340.010 (D) (2), the applicant shall provide one (1) loading and off-loading berth per Table 40.340.010-2. (See Land Use Finding 9)
- A-3** The applicant may consider providing bicycle racks with spaces for a minimum of ten (10) bicycles per CCC 40.350.010 (D). (See Land Use Finding 12)

Concurrency:

- A-4** The applicant shall reimburse the County for the cost of concurrency modeling incurred in determining the impact of the proposed development, in an amount not to exceed \$1,500. The reimbursement shall be made within 60 days of issuance of the Staff Report with evidence of payment presented to staff at Clark County Public Works. (See Transportation Concurrency Finding # 2)

- A-5** The applicant shall submit a signing and striping plan and a work order, authorizing County Road Operations to perform the required signing and striping within the County right-of-way including relocation crosswalks. This plan and work order shall be approved by the Department of Public Works Transportation prior to the issuance of building permits. (See Transportation Concurrency Finding #5)

Transportation

Reserved for Engineering Services Staff Report

Storm water and Erosion control

Reserved for Engineering Services Staff Report

Fire Protection

- A-6** Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (see Fire Protection Finding 2).
- A-7** Fire flow in the amount of 2,000 gallons per minute supplied at 20 pounds per square inch (psi) for 2 hours duration is required for this application. A utility review from the water purveyor indicates that the required fire flow is not currently available at the site. Additions to water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval (see Fire Protection Finding 3).
- A-8** Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus (see Fire Protection Finding 5)
- A-9** Approved fire apparatus turnarounds are required for this project. The provisions for turning around fire apparatus comply with the Clark County Road Standard (see Fire Protection Finding 6)
- A-10** All demolition wastes must be properly disposed consistent with county demolition permit requirements. The applicant shall provide proof of appropriate waste disposal in the form of receipts to the Health Department with requests for confirmation that the conditions for final plat approval have been satisfied. (See Finding Water and Sewer Finding 2)
- A-11** If underground storage tanks exist on the property, they must be identified and decommissioned in place consistent with the Uniform Fire Code under permit from the Fire Marshal. Any leaks or contamination must be reported to Washington State Department of Ecology, and proof of removal or abandonment

(of the tank) must be submitted to the Health Department prior to final plat recording. (See Finding Water and Sewer Finding 3)

B. Conditions that must be met prior to issuance of Building Permits

Concurrency

B-1 Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system. (See Transportation Concurrency Finding 6)

Impact Fees

B-2 Exempt

C. Conditions that must be met prior to issuance of Occupancy Permits

Land Use - Landscaping:

C-1 Advisory: The applicant shall provide the following landscaping scheme per 40.320.010-1 and the specific requirements of CCC 40.520.030 (E).

- a. On the north, the required landscaping schemes are L3 within a 10-foot buffer on eastern section bordering R-18 zone and L3 within a 10 foot buffer along the western section bordering R1-6 zone.³
- b. On the east, the required landscaping scheme is L3 within a 10-foot buffer bordering R-18 zone.
- c. On the south, the required landscaping scheme is L3 within a 20-foot buffer on the section bordering ML zone and L3 within a 10 foot buffer on the section bordering R-7.5 zone.
- d. On the west, the required landscaping is L3 within a 10-foot buffer. (See Land Use Finding 5)

C-2 The applicant shall provide landscaping along the site's frontage on NE 69th Street per CCC 40.320.020 (H) (G).⁴ (See Land Use Finding 6)

Signs

C-3 Any new sign proposed to advertise this development must comply with the applicable sections of CCC 40.310. (See Signs Finding 1)

Fire Protection

C-4 The applicant shall provide one additional fire hydrant on these premises. Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. Provide and maintain a six-foot clear space completely around every fire hydrant (see Fire Protection Finding 4)

³ The proposed landscaping shall be provided on the south side of the half-width street, within the landscape 10 foot landscape buffer.

⁴ See Footnote #3 above.

D. Notes Required on Final Plat

The following notes shall be placed on the final plat:

D-1 Light and Glare

The applicant shall ensure that proposed outdoors lights are shielded downward, and do not cast glare onto neighboring properties in the area. During evening sporting events, all activities should end by 9:30 p.m., and outdoor lights, except for security lighting must be out by 10:00 p.m. (See Land Use Finding 13)

D-2 Noise

The applicant shall provide adequate screening (i.e. L3 landscaping scheme on the south side of NE 69th Street) to limit the amount of noise perceived from the school by the elderly citizens residing at Greenway Mobile Home Park (see Land Use Finding 14).

D-3 Special set back requirements

All proposed buildings including the placement of modular structures shall be setback at a minimum, 30 feet from the side and rear lot line. There shall be no evidence of incidental commercial activities taking place within the building per CCC 40.260.070. (See Land Use Finding 16)

D-4 Archaeological:

"If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

D-5 Mobile Homes:

"Placement of Mobile Homes is prohibited."

D-6 Impact Fees:

Exempt

E. Standard Conditions

This development proposal shall conform to all applicable sections of the Clark County Code. The following conditions shall also apply:

Site Plans and other land use approvals:

E-1 Within 5 years of preliminary plan approval, a Fully Complete application for a building permit shall be submitted.

Water Wells and Septic Systems:

E-2 Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Well/Septic Abandonment Letter" must be

submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy).

Final Construction / Site Plan Review:

E-3 Transportation:

Prior to construction, the applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350.

E-4 Stormwater:

Prior to construction, the applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.380.

E-5 Pre-Construction Conference:

Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

E-6 Erosion Control:

Prior to construction, the applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.

E-7 Erosion Control:

Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

E-8 Erosion Control:

Erosion control facilities shall not be removed without County approval.

E-9 Excavation and Grading:

Excavation/grading shall be performed in compliance with Appendix Chapter 33 of the Uniform Building Code (UBC).

E-10 Excavation and Grading:

Site excavation/grading shall be accomplished, and drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

E-11 Landscaping:

Prior to recording the final plat, the applicant shall submit a copy of the approved landscape plan(s) for any public right-of-way (if applicable) with a letter signed and stamped by a landscape architect licensed in the state of Washington certifying that the landscape and irrigation (if any) have been installed in accordance with the attached approved plan(s) and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site.

Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a hearing extension and pay half the original review fee with a maximum fee of \$5,000.

HEARING EXAMINER DECISION AND APPEAL PROCESS

This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

An **appeal** of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The appeal shall be filed with the Board of County Commissioners, Public Service Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the final land use decisions shall be in writing and contain the following:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied, on to prove the error; and,

4. A check in the amount of **\$279** (made payable to the Clark County Board of County Commissioners).

Attachments:

- Copy of SEPA Checklist
- Copy of Vicinity Map
- Copy of Proposed Preliminary Plan
- Exhibit List

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
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